



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAN -7 2008

Office of Regulatory Policy
HFD-7
5600 Fishers Lane (Rockwall II Rm 1101)
Rockville, MD 20857

Attention: Beverly Friedman

The attached application for patent term extension of U.S. Patent No. 5,840,722 was filed on August 7, 2007, under 35 U.S.C. § 156. It is noted that applicant also filed applications for patent term extension for NDA 22-081 in U.S. Patent Nos. 5,703,017, 5,932,730, and 7,109,205, pursuant to 37 CFR 1.785.

The assistance of your Office is requested in confirming that the product identified in the application, LETAIRIST™(ambrisentan), has been subject to a regulatory review period within the meaning of 35 U.S.C. § 156(g) before its first commercial marketing or use and that the application for patent term extension was filed within the sixty-day period after the product was approved. Since a determination has not been made whether the patent in question claims a product which has been subject to the Federal Food, Drug and Cosmetic Act, or a method of manufacturing or use of such a product, this communication is NOT to be considered as notice which may be made in the future pursuant to 35 U.S.C. § 156(d)(2)(A).

Our review of the application to date indicates that the subject patent would be eligible for extension of the patent term under 35 U.S.C. § 156.

Inquiries regarding this communication should be directed to Raul Tamayo at (571) 272-7728 (telephone) or (571) 273-7728 (facsimile).


Mary C. Till
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Martin L. Katz
Wood, Phillips, Katz, Clark & Mortimer
Citigroup Center, Suite 3800
500 West Madison Street
Chicago, IL 60661-2511